The motion for adjournment was put to the vote and carried and a poll was demanded and the House divided thus :—

Ayes.

1. Dr. (Mrs.) Muthulakshmi Reddi.
2. Diwan Bahadur P. Kesava Pillai.
3. Mr. P. J. Gnanavaramu Pillai.
4. ,, V. I. Muniswami Pillai.
5. ,, F. E. James.
6. ,, H. F. P. Hearson.
7. ,, V. Ramjee Rao.
8. ,, Sami Venkatachellam Chetti.
9. ,, S. Satyamurti.
10. ,, P. Anjaneyulu.
11. ,, P. C. Venkatapathi Raju.
12. ,, J. A. Saldanha.
13. ,, Abdul Hameed Khan Sahib.
14. ,, G. Harisarvottama Rao.
15. Mr. C. N. Muthuranga Mudaliyar.
16. ,, K. V. R. Swami.
17. ,, D. Narayana Raju.
18. ,, K. Uppi Sahib.
19. ,, K. R. Karant.
20. ,, C. Ramasomayajulu.
21. ,, Basheer Ahmad Sayeed Sahib.
22. Sriman Biswanath Das Mahasayo.
23. Mr. R. Srinivasa Ayyangar.
24. ,, K. Koti Reddi.
25. ,, L. K. Tulasiram.
26. ,, C. Marudavanam Pillai.
27. ,, C. Venkatrangam Nayudu.
28. ,, B. Venkatratnam.

Noes.

1. Mr. J. Kuppuswami.
2. ,, T. M. Narayanaswami Pillai.
3. ,, W. P. A. Soundarapandia Nadar.
4. ,, G. R. Premayya.
5. Zamindar of Gollapalli.
6. Mr. B. Ramachandra Reddi.
7. Rao Bahadur Sir A. P. Patro.
8. Diwan Bahadur P. C. Ethirajulu Nayudu.
9. Mr. P. T. Rajan.
10. ,, T. K. Chidambaranatha Mudaliyar.
11. Rao Bahadur S. Ellappa Chettiyar.
12. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
13. Mr. Khadir Mohidin Sahib.
14. Diwan Bahadur S. Kumaraswami Reddiyar.
15. Khan Sahib T. M. Moidoo Sahib Bahadur.
16. Rao Bahadur B. Muniswami Nayudu.
17. Diwan Bahadur A. M. M. Murugappa Chettiyar.
18. Mr. K. Sarabha Reddi.
19. Zamindar of Mirzapurum.
20. Kumararaja of Venkatagiri.

Ayes 28 Noes 20

The motion was carried.

IX

A BILL TO FURTHER AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I am very thankful to the House for their generosity and kindness in having permitted me to move my Bill. I beg to present the report of the Select Committee appointed to consider the Bill to further amend the Madras Hindu Religious Endowments Act, 1926, and move that the Bill as amended by the Select Committee be taken into consideration.

" As the report of the Select Committee has been circulated to the hon. Members of the House and as the time at my disposal is very short, I do not want to waste the time of the Council by making a speech. I therefore move that the Bill as amended by the Select Committee be taken into consideration."

Mr. K. R. KARANT :—" I second it."

The motion was put to the vote and carried.

Clause 1 of the Bill was put, passed and added to the Bill.

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Clause 2.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"I move that in line 2 *for* the word 'Section' *substitute* the word 'section'."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

The amendment was put and carried.

Sub-clause (1).

Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"I beg to move that the following be substituted for sub-clause '44 (A) (1)' found in the Bill as amended by the Select Committee:—

"For *sub-clause* (1), substitute *the following sub-clause*:—

'(1) (*a*) (i) *Where the remuneration for any service to be performed by a devadasi in a temple consists of lands granted or continued in respect of, or annexed to, such service by the Government, the Local Government shall enfranchise the said lands from the condition of service, by the imposition of quit-rent*;

(ii) *Where the remuneration for such service consists of an assignment of land revenue so granted or continued, the Local Government shall enfranchise such assignment of revenue from the condition of service*:

Provided that where, at the time when proceedings are taken under this sub-section, the devadasi is herself the owner of the lands in respect of which the assignment of revenue has been made, enfranchisement shall be effected and quit-rent imposed in the manner laid down in sub-clause (i);

(iii) *Where the remuneration for such service consists in part of lands and in part of an assignment of land revenue, enfranchisement of the lands shall be effected in the manner laid down in sub-clause* (i) *and of the assignment of land revenue in the manner laid down in sub-clause* (ii);

Explanation.

For the purposes of this clause, a grant shall be deemed to consist of an assignment of land revenue in all cases in which the devadasi herself is not, at the time specified in the proviso to sub-clause (ii), *the owner of the lands in question.*

(*b*) *Enfranchisement under clause* (*a*) *shall be effected in accordance with such rules as the Local Government may make in this behalf and shall take effect as and from such date as the Local Government may fix*'."

Rao Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was carried.

Sub-clause (2)

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—"I beg to move that sub-clause (2) be amended as follows :—

'*In line* (3) for *the figure* " (i) " substitute *the figure* " (1) ";

for *the word* " *Government* " *in both the places where it occurs* substitute *the words* " *Local Government* ";

between the word " *lands* " *and the words* " *in question* " insert *the words* " *or the produce* ";

for *the words* " *determine the rent* " substitute *the words* " *by an order determine the amount of rent* ";

omit *the words* " *each of the following considerations, viz.,* ";

Item (*a*)—

For *the word* " *The* " substitute *the word* " *the* ";

For *the word* " *land* " substitute *the word* " *lands* ";

and after the word " *villages* " *at the end* add *the word* " *and* " .

Last paragraph—

For *the word* " *such* " substitute *the word* " *Such* ".' "

Diwan Bahadur P. KESAVA PILLAI :—" I second it."

The amendment was put and carried.

3-15 p.m.

* Sriman BISWANATH DAS Mahasayo :—" Sir, I beg to move—

'Omit *lines* 10 *to* 15, *namely*, " *each of the following considerations, viz., . . . of the lands* " *and* substitute *the words* " *the rules regulating the assessment of putta lands in the ryotwari tracts* ".'

" In moving this amendment I beg to bring to the notice of the House the necessity for fixing a certain policy by which these resumed lands are to be governed. These devadasis are charged with the duty of performing certain functions in the temples. The Bill proposes to do away with those duties, enfranchise those inam lands and fixes rent. I beg to propose that this fixation of rent should be determined by certain rules. The Bill proposes that the rent payable by the holders of such inams shall be rent payable by the tenants for lands of a similar description with similar advantage in the same village or neighbouring villages. Sir, this is practically applying section 40 of the Estates Land Act which has given rise to innumerable difficulties and various case laws on the subject. In the first place the term 'similar description' is a very vague term and is capable of immense mischief. The term 'similar advantages' is also equally vague and mischievous. These inam lands could be found in ryotwari tracts as also in zamindari tracts. I think it is very desirable that these resumed inams should be assessed according to the rules of assessment laid down for the assessment of land revenue in ryotwari tracts. This is a well-known practice throughout the province and would not lead to any difficulty. I therefore propose that this amendment may be accepted by the House."

Mr. R. SRINIVASA AYYANGAR :—" I second it."

The hon. Sir NORMAN MARJORIBANKS :—" Mr. President, Sir, the amendment moved refers to a portion of the Act which refers to lands granted by private owners. Rules regarding ryotwari tracts do not seem to apply to the lands in question."

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* Rao Bahadur B. MUNISWAMI NAYUDU :—"In this clause we are considering two classes of lands—lands which are ryotwari and lands granted by zamindars and private proprietors. In the case of lands granted by Government quit-rent is levied. In the case of lands granted by private persons the provisions of the Estates Land Act cannot be applied in whole. In the first clause we have provided that the rents payable by such lands as are enfranchised shall be what is paid for similar lands in the neighbouring villages In the second clause we have provided that if any lands have been improved, those improvements should be taken into consideration. My friend's amendment would introduce a lot of uncertainty. I think that there is no necessity to amend the clause. It will work all right as it stands."

The amendment was put and lost.

* Sriman BISWANATH DAS Mahasayo :—"I beg to move—

'*Omit lines* 10 *to* 15, *namely,* "*each of the following considerations viz., . . . of the lands*" *and substitute the words* "*the provisions of Estates Land Act of* 1908 *regarding the preparation of record-of-rights and settlement of rents under Chapter XI*".'

"In moving this amendment I have to point out that certain record-of-rights is necessary for the resumed lands. In the first place you have no rules regulating assessment of rent. New rules will have to be published by Government laying down the methods of assessment, etc It is also necessary to have a record-of-rights for these lands. I will illustrate my point. There will be some difficulty regarding water-rights that these lands now enjoy. Suppose there is a tank owned by a landholder and these resumed lands in question were getting their supply of water from the zamin tank. If you do not record the rights of the resumed inam I think it will lead to a lot of inconvenience and litigation afterwards when these devadasis go to claim water for the resumed inam lands. To avoid all this I think it is very desirable that these resumed lands should be brought under the provisions of Chapter XI of the Estates Land Act where you find clear provisions for recording the various rights that ought to be recorded. My amendment will not only avoid litigation, but will also save the poor devadasis from the ruin. I think this will commend itself to my hon. Friend from Chittoor who knows much more than myself the difficulties of the operations of this provision. I request the House to pass this."

Mr. BASHEER AHMAD SAYEED :—"I second it."

The hon. Sir NORMAN MARJORIBANKS :—"Sir, the clause clearly lays down the provisions by which the rent should be fixed. The proposal that here should be a record-of-rights and settlement of rent is not at all necessary. The preparation of record-of-rights in a few isolated pieces of lands in an estate seems to be not in accordance with the spirit of the Estates Land Act. The Bill lays down the considerations under which the rent should be fixed. That seems to be amply sufficient. I therefore submit that the House need not accept this amendment."

Rao Bahadur B. MUNISWAMI NAYUDU :—"I am sorry I cannot agree with the hon. Mover in this amendment also. As the Leader of the House has stated the preparation of record-of-rights for isolated plots of land in an estate is not right, I do not think we should accept this amendment."

The amendment was put and lost.

Sub-clause (2) as amended was put and carried.

Sub-clause (3).

Dr. (Mrs). S. MUTHULAKSHMI REDDI :—" I beg to move—

' *After the words* " *The amount* " insert *the words* " *of rent* ",

for " *Sub-section* (2) " *in the first place where it occurs*, substitute " *sub-section* (2) ",

for " *sub-section* (2) " *in the second place where it occurs*, substitute *the words* " *the said sub-section*," *and*

for the words and figure " *passed under sub-section* (2) " substitute *the words and figure* " *fixing the amount of rent under sub-section* (2)".' "

3–30 p.m. Mr. P. ANJANEYULU :—" I second the amendment."

The amendment was put and carried.

The sub-clause, as amended, was put and carried.

Sub-clause (4).

Dr. (Mrs). S. MUTHULAKSHMI REDDI :—" I beg to move—

' *After the words* " *lands* " insert *the words* " *or produce* " *and for the* ' *word enfranchised* ' substitute *the word* " *freed* ".' "

Mr. P. ANJANEYULU :—" I second it."

The amendment was put and carried.

The sub-clause, as amended, was put and carried.

Sub-clause (5).

Dr. (Mrs). S. MUTHULAKSHMI REDDI :—" I move—

" *Substitute* the following *for* sub-clause (5) :—

" *No devadasi who is bound to render any service in a temple by reason of any grant of land or assignment of land revenue or melvaram of land in her favour, shall be allowed to perform such service in such temple on and from the date on which the land in question shall have been enfranchised or freed from the condition of service in the manner hereinbefore provided.*" '

" Sir, I move this amendment in conformity with the resolution which I have moved in this House to which I had the unanimous support of the House and also in consonance with the Statement of Objects and Reasons annexed to my Bill.

" This Bill, as it stands now, I feel, Sir, is not comprehensive enough, because we leave the option or choice now to these women who have been brought up or rather nurtured under unhealthy notions of religion, and who have been taught to look upon prostitution as their caste-duty or dharma. Hence we cannot expect them to take full advantage of this measure ; unless the educated section of the Hindu community enforces its will upon these backward people, we cannot expect them to give up their centuries' old practices. So, Sir, it is to put down or eradicate the pernicious custom of dedicating young girls to an immoral vicious life under the cloak of religion that this amendment has been tabled. You are all fully aware of the condition prevailing here and it does not need any more aguments from me. Whatever might have been the original intention underlying dedication, now

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dedication has become identical with an evil profession and it has grown to the extent of purchasing and adopting young innocent children and training them to an immoral life at an age when they cannot very well see the future before them.

"I think it is high time that we who are aspiring to a higher and freer life should put down this iniquity going on in the name of religion, tradition and custom. We, the Hindus, who have before us such noble ideals of chastity, purity and devotion between husband and wife as exemplified in the lives of Rama and Sita, Nala and Damayanthi, should encourage immorality through our temples is neither consistent with our past culture nor with our present desire to lead a healthy and happy life. Some interpret that this legislation aims at persecuting honest people who desire to perform religious service in our temples; but my intention, as you all know, is far from it. I only want to dissociate our religion from immorality, because I feel most strongly that the State or religion should guard the morality of the people, should improve the moral tone of the society, not by any means whatsoever regulate and tolerate, and above all, license, and what is much more worse, sanctify vice. My sole object is to create a holier and purer atmosphere in our holy temples and thus remove the blot on the Hindu religion that the temples by allowing dedication encourage immorality in our men and women. In every civilized community, the Church of God denotes all that is high and noble. Why do people resort to temples? The poor mortals resort to the temples to learn piety, devotion and purity."

* The hon. the PRSIDENT:—"The question here is to substitute the existing clause which makes service optional by means of a clause which prevents service and is thus compulsory in character. The hon. Member will be quite in order to explain the clause as it is in the Bill and the effect of the proposed clause. I do not think the hon. Member will be in order to develop the arguments regarding the necessity of enfranchisement I request the hon. Member to confine her remarks to the question of making this compulsory provision in the place of the existing optional provision."

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"I want the word 'allowed' to be substituted for 'required.' We must give power either to the trustees or to the Government to prohibit them from doing service; otherwise my fear is that even though they are given lands or pay free of any obligation of service, still a few may persist in their old habits. They may be allowed in temples to worship as other Hindus, but not to sing and dance. Although we provide them with the above facilities, we may not be achieving our object. That is why I am moving this amendment."

Mr. P. ANJANEYULU:—"Mr. President, I have pleasure in seconding this motion though I am not oblivious to the implications involved in this substitution. No doubt, Sir, it is very hard to be encroaching upon the individual liberty of the thousands of this province. I know, Sir, morality is not always achieved by legislation and other factors have to be brought into being If we give the option to these devadasis, we shall have given them all lands and the freedom to have their own way of doing things as before. Therefore if the House is in a disposition to give effect to this, I do not agree with the reasonings of the hon Mover—there must be some drastic action like this so that the present generation may be saved? In seconding this motion in the interests of the very persons for whom we have to legislate I am obliged to point out in this connexion . . ."

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The hon. the PRESIDENT :—" I do not think there is any qualified seconding."

* Mr. P. ANJANEYULU :—" I am giving out why I am seconding and I second."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I wish to raise a point of order for you with reference to this amendment. Apart from the merits, on which I do not say anything now, the hon. Member wanted to introduce a Bill substantially containing the provision in this amendment, where she wanted this word allowed. She sought the sanction of His Excellency the Viceroy. I understand that the Governor-General has given his sanction for the introduction. But that was a separate Bill altogether and that Bill has not been introduced. And as far as I remember my friends in the Select Committee will bear me out in this that the matter was not discussed in the Select Committee."

* The hon. the PRESIDENT :—" What is the provision of the Government of India Act under which this sanction is given ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Section 80-A (3). The local legislature of any Province may not make or take into consideration without the previous sanction of the Governor-General any law. It deals with Bill only and not amendment."

* The hon. the PRESIDENT :—" Under what provision can Government preclude a Bill or an amendment ? It is very dangerous for the Government to press that point."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" That is why I raise that point and leave it to you."

* The hon. the PRESIDENT :—" I do not think I will be justified in putting the narrow interpretation on the word ' any law '. It means a Bill or amendment. That is the basis on which hitherto we have been proceeding. Therefore I do not think that the hon. the Law Member will continue to hold the view that further sanction is necessary, after the difficulty I have pointed out."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, it is always difficult to intervene in a debate of this kind without being open to the charge of supporting the perpetuation of an institution which is sought to be removed by legislation. This amendment of my friend is so radical and is likely to affect the property and personal rights of so many people to a large extent, that I take the risk of being misunderstood, and enter my emphatic protest against the House being called upon to accept this amendment at this stage. My hon. Friends who were in the Select Committee will remember that although a nebulous suggestion was made, the general feeling was that we cannot do this. I am sure I have been taken by surprise. I shall proceed to state my reasons against it. May I point out, if I may say so respectfully, the absurdity of the clause as it stands ?

3-45 p.m.

" According to the amendment, a devadasi can perform service in every other temple and not in her particular temple. Even if this amendment is accepted, the result will be that a devadasi of the Sri Ranganathaswami temple can perform service in the Sri Parthasarathiswami temple, whereas the devadasi of the Sri Parthasarathiswami temple cannot perform service in

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the Sri Parthasarathi temple. This amendment cannot secure the objects of this legislation and it seems to me that we cannot really allow this ill-considered drafting in respect of this piece of legislation. It will not achieve the object you have got in view.

"There is another and a more fundamental objection. I have no objection if this House had given a fair opportunity to the public of this province affected by this amendment, and, after considering all sides of the question, decided in the best interests of our society. It is but right and proper that we should, if public opinion favours it, even at the risk of pains and penalties, prevent such service in temples. But I merely point out the dangers, and I mean no offence to anybody. There is a school of thought which preaches openly that Brahmans ought not to be archakas in temples. Of course, it will be good if everybody goes to the temple and worships the idol as you do in the Viswesvara temple in Benares. That may be right or that may be wrong; but is this House going to say to-morrow that no Brahman shall be allowed to be an archaka in any temple and people should be allowed to go to the temple and worship the God as they please? I submit that there are two views possible on this question. I myself do not see why we should not be allowed to go and worship the God as we please, but this legislature, being constituted as it is, will it be justified in overriding public feeling and deciding the fundamental question of what people consider sacred things, without at least giving them proper facilities to consider the question calmly and carefully? I therefore appeal to the hon. the Deputy President, in view of the success she has had in having brought forward this Bill over other Bills and in having the substantial clauses which she wanted originally got accepted by this House, to consider whether she should not be in favour of introducing a separate Bill later on, and to withdraw the present amendment, considering all aspects of the question.

"One more point, Mr. President. Unless you prescribe pains and penalties, it will be *brutum fulmen* to legislate that no one shall be prevented from doing the service. The Bill does nothing of the sort. I do not think the legislature ought to effect this piece of legislation without enforcing sanctions. For all these three reasons, namely, that the matter has not been sufficiently discussed; secondly that the wording of it will produce the reverse of what the Mover wants by allowing devadasis to perform duties in all temples except the particular temple where they may have been enfranchised; and also because there is no sanction by which these things can be enforced, I appeal to her to withdraw the amendment. If she does not do so, I beg of the House to reject the amendment."

* Rao Bahadur B. Muniswami Nayudu :—" I also think that this is not relevant to the Bill under consideration. I don't think that we need resolve upon the question whether devadasis ought or ought not to be allowed to perform service in any temple. That question is not at all really relevant to the original Bill as passed by the Select Committee. It is enough that there is no obligation on the devadasis to perform the services after the lands are resumed. I therefore appeal to the hon. Mover not to press this amendment."

Dr. (Mrs.) S. Muthulakshmi Reddi :—" I will abide by the opinion of the House and bring in another Bill. I will now withdraw this amendment."

The amendment was by leave of the House withdrawn.

Sub-clause (5).

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I move the following amendment :—

'*For the words "such land being enfranchised" substitute the words "such land assignment or produce being enfranchised or freed, as the case may be."*' "

Diwan Bahadur P. KESAVA PILLAI :—" I second the amendment."

The amendment was put to the House and carried.

Sub-clause (6).

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I move the following amendment in clause 2, sub-clause (6) :—

'*For the words and figures "on which the quit-rent as provided for under sub-section (1) or the rent as provided for under sub-section (2) or sub-section (3) has been fixed" substitute the words "or assignment of land revenue or produce derived from land, as the case may be."*' "

Diwan Bahadur P. KESAVA PILLAI :—" I second it, Sir."

The amendment was put to the House and carried.

Sub-clause (7).

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I move that the following be substituted for sub-clause (7) of clause 2 :—

'(7) (*a*) *The quit-rent imposed under sub-section (1) shall be payable to the temple concerned.*

(*b*) *The assignment of land revenue enfranchised under sub-section (1) or the rent fixed under sub-sections (2) and (3) as the case may be shall be payable to the devadasi concerned during her lifetime and after her death to the temple concerned.*' "

Diwan Bahadur P. KESAVA PILLAI :—" I second it, Sir."

The amendment was put to the House and carried.

Sub-clause (8).

Mr. D. NARAYANA RAJU :—" I move the following amendment to clause 2, sub-clause (8) :—

'*For the words "is dedicated to" substitute the words "has to dance or sing or do any other similar service in"*'.

" The necessity for this amendment is this. In the northern districts, there is no such thing as dedication to the temple. This definition has to be widened so as to cover all the unfortunate girls who have to go to do service in return for the enjoyment of the lands attached to the temple. As it is, the benefit of this Act would not be available to the devadasis in the northern districts. Of course the whole object of this Bill is that a certain class of females should be freed from doing certain degrading service. Whether they are dedicated to the temples or not, these people are obliged to do dancing and singing in temples. Otherwise they could not enjoy these lands. The

scope of the Act is to do away with the degrading service of these devadasis, and not merely to do away with the dedication to the temple. The main purpose is that the girls should not be obliged to do dancing in temples and the enjoyment of the lands should be freed from any such obligation. To give the benefit of this Act to the devadasis in northern districts, I move this amendment."

Mr. A. RANGANATHA MUDALIYAR :—" I second the amendment."

* Mr. S. SATYAMURTI :—" I see some difficulty in this matter. My own position is there is no need to define the word at all. It is a well-known word and I think that class is well known and can be easily distinguished. Moreover, as regards my hon. Friend's amendment, I have one difficulty : 'For the purpose of this section, "devadasi" shall mean any Hindu unmarried female who is dedicated to a temple.' Now Mr. Narayana Raju wants to substitute the words 'who has to dance or sing or do any other similar service in' for the words 'is dedicated to'. This amendment may bring within its scope even honest unmarried girls or women who may be sweepers of the temple or who may have some lands given to them for singing tevarams or stothrapatams in temples and who may have no immorality attached to them either in fact or in theory. Therefore I would either suggest that the definition be left as it is, or that the definition be deleted altogether.

"Moreover, hon. Members will notice what is stated in both the preamble as well as the report of the Select Committee. The preamble says 'Whereas it is expedient to put an end to the present practice of dedication of young girls as devadasis for service in Hindu temples . . .' As also in the Select Committee report, you will find the first sentence of paragraph 4, the object of the Bill is to discourage the dedication of girls as devadasis for service in Hindu temples by freeing the lands, if any, held by them for such service from the condition of service and making them the owners thereof, and thereby removing an important inducement for the perpetuation of the system of dedication.'

4 p.m.

"One of the main objects of this Bill as I conceive it is that our temples ought not to have lands attached to them as service inams for the performance of this service. That object can be secured by either leaving out the definition clause altogether, or leaving out this amendment because the definition itself simply says 'any Hindu unmarried female who is dedicated to a temple'. Therefore I would suggest that the acceptance of the amendment may lead certainly to ambiguous, and possibly to mischievous, consequences. So far as the object of the mover is concerned, it will be amply secured by leaving sub-section (8) as it is, because it covers the case of any Hindu unmarried female who is dedicated to a temple. And then this clause says, 'where the remuneration for any *service* to be performed by any devadasi in a temple, etc.', so that the object of the mover is secured. And as I said already, and I shall repeat it before I sit down, it is quite possible that if you widen a definition like this even innocent people will be brought within the mischief of the Bill, which I know is not the intention of the hon. Mover or any other hon. Member of this House. I therefore beg of the House not to accept the amendment, and also appeal to the mover of the amendment to withdraw it."

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* Mr. K. KOTI REDDI :—" Mr. President, Sir, if the object of the Bill is to put an end to the practice of dancing and singing by devadasis in the temples in Southern India, and if this amendment were to be rejected, I do not think, Sir, the Bill as it stands would be applicable to both the Northern Circars as well as the Ceded districts. I do not know, so far as I remember, whether there is this institution of the dedication of devadasis to our temples at all. That ceremony of dedication to the temples seems to be a ceremony which is not performed in our districts. So, whatever consequences that my friend, the Member for the University, fears as a result of allowing this amendment, I am for the amendment as I do not believe that such consequences will follow. I hope this amendment will be accepted by the House or else the purpose for which this Bill is brought in will not be served so far as the Northern Circars and the Ceded districts are concerned."

Diwan Bahadur P. KESAVA PILLAI :—" I move that the question be now put."

* The hon. the PRESIDENT :—" The motion for closure is not accepted."

Mr. C. RAMASOMAYAJULU :—" Sir, I wish to support the amendment of my hon. Friend, Mr. Narayana Raju, but I would rather prefer to substitute for the word 'has' in the amendment, the words 'is under an obligation'. It is merely a verbal alteration which the mover may accept. My point is this. The matter of dedication to temples is a thing which is not likely to be arrived at even if the most careful investigation is made. For the matter of that in the northern districts, the practice of dedication I think is practically absent, and the purpose of this Bill would not be served at all so far as the northern districts are concerned, if it is only restricted to the dedicated girls. Further, even in regard to the southern districts, I do not know if at all proper records are kept of this dedication by way of written records or otherwise and it would always be a question of doubt whether there was dedication or not. So much so unless it is extended in this fashion, the purpose that is intended by the Bill would not be served at all. I therefore move that for the word 'has' in the amendment of Mr. Narayana Raju, the words 'is under an obligation' be substituted."

* The hon. the PRESIDENT :—" The hon. Member has just now sent in his amendment. Has any member any objection ?"

Rao Bahadur B. MUNISWAMI NAYUDU :—" I object, Sir."

* The hon. the PRESIDENT :—" The objection prevails."

Mr. A. KALESWARA RAO :—" Mr. President, I rise to support the amendment of Mr. Narayana Raju. I am not sorry that the amendment of Mr. Ramasomayajulu has been objected to. It is all the same whether a devadasi is to dance or is under an obligation to dance. Practically it is the same. But I also agree with Mr. Narayana Raju that this amendment explaining and clearly defining the nature of the services which that unfortunate woman is under an obligation to perform is absolutely necessary. Here we are freeing particular people from doing the service and therefore it is necessary that such persons who have to perform a particular kind of service, namely, dancing, singing and so on, are asked to be free from doing the service, their lands being enfranchised or being given to them on condition of paying rent. Therefore instead of saying 'dedicated' which

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would be very vague and would not apply to a large portion of the province, it is necessary to define the services from which she is now made free and from which temples also are to be purified."

* Rao Bahadur B MUNISWAMI NAYUDU :—" Sir, I feel doubtful whether an amendment is necessary at all. The amended clause says, ' where the remuneration for any service to be performed by a devadasi . . .', so that it contemplates not merely this particular kind of service or that, but any service. And secondly, Sir, the idea of this Bill is not that any devadasi should not do service, but it is this : her being attached to a temple and being bound to continue unmarried life in that temple is sought to be remedied in the Bill. I therefore think that this amendment is unnecessary. But if my Friend presses the amendment, I would not mind voting for it."

The motion was put to the House and declared carried.

Mr. S. Satyamurti demanded a poll and the House divided thus :—

Ayes.

1. Diwan Bahadur P. Kesava Pillai.
2. Mr A. B. Shetty.
3. ,, T. M. Narayanaswami Pillai.
4. ,, Abdul Hamid Khan.
5. ,, C. N. Muthuranga Mudaliyar.
6. ,, K. V. R Swami.
7. ,, D. Narayana Raju.
8. Dr. B. S. Mallayya.
9. Mr. K. R. Karant.
10. ,, A. Parasurama Rao.
11. ,, C. Ramasomayajulu.
12. ,, Basheer Ahmad Sayeed.
13. Sriman Biswanath Das Mahasayo.
14. Mr. A. Kaleswara Rao.
15. ,, K. Koti Reddi.
16. ,, L. K. Tulasiram.
17. Mr. C. Venkatarangam Nayudu.
18. ,, A. Ranganatha Mudaliyar.
19. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
20. Mr. Ramanath Goenka.
21. ,, R Nagan Gowda.
22. The Zamindar of Gollapalli.
23. Mr. K. R. Venkatarama Ayyar.
24. ,, K. P. Raman Menon.
25. ,, P. T. Rajan.
26. Rao Bahadur S. Ellappa Chettiyar.
27. Khan Sahib T. M. Moidoo Sahib Bahadur.
28. Rao Bahadur B. Muniswami Nayudu.
29. Diwan Bahadur A. M. M. Murugappa Chettiyar.
30. Mr. A. V. Bhanoji Rao.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr T E Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. M R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Khan Bahadur Muhammad Bazl-ul-lah Sahib Bahadur.
9. Mr. H. A. Watson.
10. ,, S. H. Slater.
11. ,, A Mc G. C. Tampoe.
12. ,, C. W. E. Cotton.
13. ,, M. A. Manikkavelu Nayakar.
14. ,, Syed Tajuddin Sahib.
15. ,, C. D Appavu Chettiyar.
16. ,, J. Bheemayya.
17. ,, R. Foulkes.
18. ,, P. J. Gnanavaram Pillai.
19. ,, Mahmud Schamnad Sahib
20. The Muppil Nayar of Kavalappara.
21. The Zamindar of Singampatti.
22. Mr. J. Kuppuswami.
23. Subadar-Major S. A. Nanjappah Bahadur.
24. Rao Bahadur O. M. Narayanan Nambudripad.
25. Mr. N. Siva Raj.
26. Rao Sahib L. C. Guruswami.
27. Mr. V. I. Muniswami Pillai.
28. ,, W. P. A. Soundarapandiya Nadar.
29. ,, S. Subrahmanya Mooppanar.
30. ,, S. V. Vanavudaiya Gounder.
31. Rao Sahib R. Srinivasan.
32. Mr. C. E. Wood.
33. ,, F. E. James.
34. ,, R. J. C. Robertson.
35. Rajkumar S. N. Dorai Raja.
36. Swami A. S. Sahajanada.
37. Mr. Sami Venkatachalam Chetti.
38. ,, S. Satyamurti.
39. ,, C. S. Govindaraja Mudaliyar.
40. ,, R. Srinivasa Ayyangar.
41. ,, C. Marudavanam Pillai.
42. ,, Chavadi K. Subrahmanya Pillai.

Ayes 30. Noes. 42.

The amendment was negatived.

* The hon. the PRESIDENT :—" Now the clause as amended is for the vote of the House."

The clause as amended was put and carried.

The Preamble.

* The hon. the PRESIDENT :—" Now, the preamble is for the consideration of the House."

Dr. (Mrs.) S MUTHULAKSHMI REDDI :—" I move, Mr. President, that in the second paragraph of the preamble, after the word 'enfranchisement' the words 'or freeing' be inserted; and before the word 'temples', the words 'the said' be inserted; and in the fourth paragraph, the words 'and the Governor' be omitted."

Diwan Bahadur P. KESAVA PILLAI :—" I second it."

The amendment was put and carried.

4-15 p.m.

* The hon. the PRESIDENT :—" The question is that the preamble as amended shall stand part of the Bill."

The motion was put to the vote and carried and the Preamble as amended was added to the Bill.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Sir, I beg to move that the Bill be passed into law."

Diwan Bahadur P. KESAVA PILLAI :—" I beg to second it."

The hon. the PRESIDENT : –" The question is the Bill be passed into law."

* Sriman BISWANATH DAS Mahasayo :—" While thanking the hon. Mover of the Bill for the grand success she has achieved I have to protest against the way in which legislation has been rushed through the Council. It is a matter to be regretted that we have to carry on hasty legislation all along during the short period of these two years and more. Now we have been passing clause after clause, important clauses, without getting ourselves acquainted with the various provisions of the Bill, without proper discussion and with that amount of seriousness which is necessary for such a purpose. Well, Sir, this is partly due to the very few number of non-official days that the Government have allotted for us. The allotment of non-official days are generally few to cover work. If they had allotted more days we could have given our mature judgment. I am sorry I have to give a silent vote on such an important legislation on very important points. We have passed a legislation without giving the temples the necessary right of collection. How will these institutions be able to collect rents from these devadasis is a question that is left to the future legislator! The only way by which rents could be collected from them is by having recourse to the provisions of the Civil Procedure Code. And for that they have to go to the law courts; and the result will be long, expensive and tedious litigation. And then you have, by not accepting the provisions of the record of rights, exposed these devadasis to serious troubles in future."

* The hon. the PRESIDENT :—" The hon. Member should address the Chair."

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Sriman BISWANATH DAS Mahasayo :—" I am sorry, Sir ; and lastly there is the subdivision of lands. After one generation there will be the division of the holdings, and how difficult it will be for these temples to collect rents from these holders. As years pass on the number of holdings will increase and with it greater will be the difficulty of realizing rents. As I said some time back the only way open to the temples to realize the rents is by means of civil suits. Thus a litigation will go on if one person causes default dragging all these persons to court."

* The hon. the PRESIDENT :—" I am afraid the hon. Member is reflecting on the vote of the House. I fear he will not be in order in reflecting on the vote of the House nor on the hardships caused by the amendments."

Sriman BISWANATH DAS Mahasayo :—" I submit, Sir, there was no motion on this question, nor any finding by the Select Committee on this point."

*The hon. the PRESIDENT :—" Then the remarks will be more irrelevant." (Laughter.)

Sriman BISWANATH DAS Mahasayo :—" For these reasons, I do not propose to vote for this motion."

* Mr. J. A. SALDANHA :—" Sir, I must associate myself with the hon. Member from Ganjam in protesting against the way business is being rushed through the House. Originally only four days were fixed for this meeting and anybody with any prescience could say that the long agenda could be finished within that period. I must say it was something quite indecent (Laughter) the way it was attempted to finish the business within that time. I wanted to protest against this sort of thing in the papers (laughter). Now I have the opportunity and I here enter my emphatic protest against the way in which business is being rushed through. Strictly speaking, this agenda would require full seven days if we were to bestow any attention and careful thought."

* The hon. the PRESIDENT :—" I am afraid the remarks are not relevant to the motion under consideration."

* Mr. J. A. SALDANHA :—" So far as this motion is concerned we are at a loss to understand where we stand. I am afraid the object of this legislation will be defeated in various ways ; firstly, because no such legislation can mend matters. Devadasis will exist in the temples as before, and if their number at present is small, in future their number will be multiplied. (Laughter.) By depriving devadasis of their inams I do not think we can mend matters. I fear these things require careful study and collaboration ; and so I think I must join with my friend in protesting against the way in which legislation is being rushed through."

* Mr. P. ANJANEYULU :—" Sir, I am somewhat sorry I have to differ from the views held by the two previous speakers. On the whole I think there are only sixteen amendments given. Of these eleven go to the credit of the hon. the Mover and the remaining five to that of other Members. Of these, reasonable time has been given. It may be, Sir, this Bill is not the height of a perfection ; it may be there are certain things which require amendment. I must say nothing in this mundane world is perfect. (Laughter.) It is only an humble attempt to alleviate the suffering of and to elevate the

devadasis from the degrading position into which these unfortunate sisters had sunk, though like the vestal virgins in Italy the institution was originally well-intentioned. I think it is the bounden duty of the hon. Members of this House to improve this legislation where it is defective and thus bring it into line with their own feelings in the matter. They must remember we are only in the beginning of a social legislation, and hence there may be some mistakes here and there and there will be opportunities hereafter to improve this legislation. Therefore I most heartily congratulate the Mover on the success she has achieved."

*Mr. K. V. R. Swami :—"Mr. President, Sir, I also feel that this Bill has been very much rushed through. With regard to the usefulness of the Bill and with regard to its various provisions I have no quarrel whatsoever. But I feel this House has not considered these things calmly and quietly, but everything has been rushed through. The hon. the Mover has not explained the provisions, nay, she did not move some of them at all; nor has she given any reasons for not doing so. It is true we as a party here have always expected from the Mover an explanation as to why this matter is moved with such haste. I agree that legislation is necessary in social matters, but at the same time I insist that things should be done in a quiet and calm manner and that the House should be given an opportunity to think over these matters. Had it not been for Mr. Satyamurti that proviso would have been passed and anybody who saw that proviso would laugh at us? It is a self-contradictory one and when it comes to be enforced there is no penalty provided for. So I really felt this thing could have gone on slowly, so that better and mature consideration could be brought to bear on it, instead of being rushed through in a haphazard manner. We do not know what the view of the hon. the Law Member is. Strange to say he did not speak on any provision at all; he allowed things to drift as they liked. He wanted everybody to speak, himself not speaking at all. He wanted to give full freedom (laughter) of speech to others, himself sitting tight in his seat when his assistance was really required. In fact we looked to him for guidance and help and we got nothing. It is not a party matter; it is a social matter. We do not know whether expert legal opinion was taken; we do not know whether the Advocate-General was consulted. As I said before, unfortunately, he gave us full independence. I hope in future similar things will not be repeated."

Mr. W. P. A. Soundarapandia Nadar :—"Sir, I move for a closure."

*The hon. the President :—"The question is the question be now put."

The closure motion was put to vote and carried. A poll was demanded, and the House divided thus:—

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. M. R. Seturatnam Ayyar.
5. ,, ,, S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Dr. (Mrs.) S. Muthulakshmi Reddi.
8. Diwan Bahadur P. Kesava Pillai.
9. Khan Bahadur Muhammad Bazul ul-lah Sahib Bahadur
10. Mr. H. A. Watson.
11. ,, S. H. Slater.
12. ,, A. McG. C. Tampoe.
13. ,, C. W. E. Cotton.
14. ,, M. A. Manikkavelu Nayakar.
15. ,, Syed Tajuddin Sahib.

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Ayes—cont.

16. Mr. C D. Appavu Chettiyar.
17. ,, A. B. Shetty.
18. ,, R. Foulkes.
19. ,, P. J. Gnanavaram Pillai.
20. ,, Mahmud Schamnad Sahib.
21. The Muppil Nayar of Kavalappara.
22. The Zamindar of Singampatti.
23. Mr. J. Kuppuswami.
24. Subadar-Major S. A. Nanjappah Bahadur.
25. Rao Bahadur O. M. Narayanan Nambudripad.
26. Mr. T. M. Narayanaswami Pillai.
27. ,, N. Siva Raj.
28 ,, L. C. Guruswami.
29. ,, V. I. Muniswami Pillai.
30. ,, W. P. A. Soundarapandia Nadar.
31. ,, S. Subrahmanya Moopanar.
32. ,, S. V. Vanavudaya Goundar.
33. Rao Sahib R. Srinivasan.
34. Mr. C. E. Wood.
35. ,, F. E. James.
36. ,, R. J. C. Robertson.
37. ,, S. N. Dorai Raja.
38. Mr G. R. Premayya.
39. Swami A. S. Sahajanandam.
40. Dr. B. S. Mallayya.
41. Mr. A. Ranganatha Mudaliyar.
42. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
43. Mr. Ramanath Goenka.
44. The Zamindar of Gollapalli.
45 Mr. K. R. Venkatarama Ayyar.
46. ,, K. P. Raman Menon.
47. ,, B. Ramachandra Reddi.
48. Rao Bahadur Sir A. P. Patro.
49. Diwan Bahadur P. C. Ethirajulu Nayudu.
50. Mr. P. T. Rajan.
51. ,, T. K. Chidambaranatha Mudaliyar.
52. Rao Bahadur S. Ellappa Chettiyar.
53. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
54. Muhammad Khadir Mohidin Sahib Bahadur.
55. Diwan Bahadur S. Kumaraswami Reddiyar.
56 Mr. T. M. Moidoo Sahib.
57. Rao Bahadur B. Muniswami Nayudu.
58. Diwan Bahadur A. M. M. Murugappa Chettiyar.
59 Mr. K. Sarabha Reddi.
60. The Zamindar of Mirzapuram.
61. The Kumara Raja of Venkatagiri.
62. Mr. A. V. Bhanoji Rao.

Noes.

1. Mr. Sami Venkatachalam Chetti.
2. ,, S. Satyamurti.
3. ,, P. Anjaneyulu.
4. ,, P. C. Venkatapati Raju.
5. ,, J. A. Saldanha.
6. ,, Abdul Hamid Khan Sahib.
7. ,, C. S. Govindaraja Mudaliyar.
8. ,, G. Harisarvottama Rao.
9. ,, C. N. Muthuranga Mudaliyar.
10. ,, K. V. R. Swami.
11. Mr. D. Narayana Raju.
12. ,, K. R. Karant.
13. ,, C. Obi Reddi.
14. ,, C. Ramasomayajulu.
15. ,, Basheer Ahmad Sayeed Sahib.
16. Sriman Biswanath Das Mahasayo.
17. Mr. A. Kaleswara Rao.
18. ,, R. Srinivasa Ayyangar.
19. ,, K. Koti Reddi.
20. ,, C. Venkatarangam Nayudu.

Ayes 62. Noes 20.

The closure motion was carried.

4-30 p.m.

* The hon. the PRESIDENT :—" Before I put the question to the vote I feel it is my duty to mention that remarks regarding hasty legislation are in this particular case not justified, especially as the members who objected did not take the steps provided for by the Standing Orders for preventing hasty legislation. In the first place, I find that the Select Committee on this Bill sat on three occasions, 9th November, 16th November and 20th November, and that the Bill as amended by them was published in the Gazette ; secondly, all the amendments were duly discussed, and the discussion on none of them was closed by any closure motion. In these circumstances I think the members are not justified in calling it hasty legislation. Further at the third reading stage, such of the members as thought that it was hasty legislation ought to have objected under S.O. No. 49 (2) which says : ' If any amendment be made, any member may object to the passing of the Bill at the same sitting ; and such objection shall prevail, unless the President, in the exercise

of his power to suspend this order, allows the Bill to pass.' If members do not avail themselves of the provisions of the Standing Order they have to thank themselves rather than accuse the Council of hasty legislation. With these words, I now put the question to the vote of the House."

"The question is that the Bill be passed into law."

The motion was put and carried and the Bill was passed into law.

VIII—*cont.*

THE MIRZAPURAM AND PEDAGONNUR IMPARTIBLE ESTATES BILL—*cont.*

* Mr. B. Ramachandra Reddi :—" Sir, this morning I was observing that I shall make a few remarks so as to make my object more plain and explanatory. Of course, the Statement of Objects and Reasons given in the Bill is explanatory enough, and gives succinctly the history of the estates and the need for legislation regarding them. I hear that doubts have been expressed that ample provision has not been made for the other minors in the estate. Paragraph 3 clearly shows that provision has been made not only for the first son the zamindar, but also the other sons. It is clearly stated that an estate yielding an annual income of Rs. 1,10,000 has been provided for the second son and any male issue the present zamindar may have in future. It has not been my intention to rush through legislation, and I hope my hon. Friends will not charge me with any such thing. I appeal to and request the hon. Member not to put any unnecessary obstruction in the passing of this Bill. The Bill is so simple and the objects are so plain that I hope that without any objection the Bill will be passed."

The Zamindar of Gollapalli :—" I second it."

Sriman Biswanath Das Mahasayo :—" I move, Sir, that this Bill be referred to a Select Committee.

" Sir, in making this motion, I am to place some materials for the consideration of the House and I will try to be as brief as possible in stating my reasons. Sir, these are permanently settled zamindaris which are governed by the permanent settlement regulation, that is, Regulation 25 of 1802. The preamble to the said regulation, says ' to grant to zamindars and other landholders, their heirs and successors, a permanent property in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under any circumstances.'

" Hon. Members of this House will please see that the grant of these zamins was intended not only for the holders thereof but also for their heirs and successors.

" Then I will invite the attention of the hon. Members to section 8 of the said regulation, where it has been stated ' proprietors of land shall be at free liberty to transfer without the previous consent of the Government, or of any other authority, to whomsoever they may think proper, by sale, gift or otherwise, their proprietary right the whole or in any part of their zamindaris ; such transfers of land shall be valid and shall be respected by the Courts of Judicature and by the officers of Government.